

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
NORTHEAST REGIONAL OFFICE

205B Lowell Street, Wilmington, MA 01887 • (978) 694-3200

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

IAN A. BOWLES  
Secretary

LAURIE BURT  
Commissioner

April 17, 2010

**CERTIFIED MAIL**

Mr. William Thibeault  
New Ventures Associates, LLC  
85-87 Boston Street  
Everett, Massachusetts 02149

Re: NEWBURYPORT – Solid Waste/COR  
Crow Lane Landfill  
FMF # 39545

Richard A. Nylen Jr, Attorney at Law  
Lynch, DeSimone & Nylen, LLP  
12 Post Office Square  
Boston, MA 02109

**Notice Pursuant to Paragraph 6(a)  
of Standby Trust Agreement**

Dear Mr. Thibeault and Mr. Nylen:

New Ventures LLC ("New Ventures") has failed to carry out its corrective action and/or closure obligations at the Crow Lane Landfill located on Crow Lane in Newburyport, Massachusetts (the "Landfill") required by applicable plans, Orders, and approvals issued by the Massachusetts Department of Environmental Protection ("MassDEP" or the "Department") and by the Settlement Agreement and Final Judgment in *Commonwealth of Massachusetts v. New Ventures Associates, LLC*, Suffolk Superior Court Civil Action No. 06-0790-C, as amended by Orders of the court on May 27, 2009 and October 7, 2009 (the "Final Judgment").

As you know, the remaining closure work includes, but is not limited to, construction of the Mechanically Stabilized Earthen ("MSE") Berm; placement of the sand drainage layer and vegetative cover (loam and seed) on the landfill cap; and completion of the storm water control system.

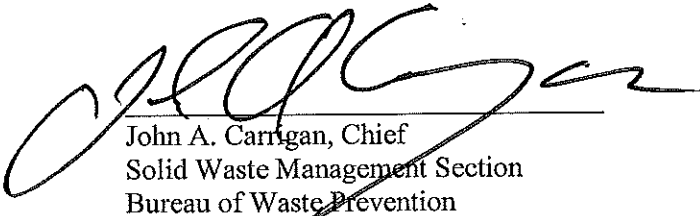
As noted in MassDEP's March 3, 2010 decision regarding the MSE Berm design modification plan New Ventures submitted for MassDEP approval; New Ventures has failed to submit a modified berm design that addresses and remedies all deficiencies noted by the Department's October 6, 2009 Notice of Deficiency, as required by paragraph 12(a)(vi) of the Final Judgment. New Ventures is in contempt of the Final Judgment and has defaulted on its Landfill closure obligations by failing to submit a modified MSE berm design plan that remedies all deficiencies noted by MassDEP and by failing to construct the MSE berm in compliance with a MassDEP approved design.

Accordingly, pursuant to Paragraph 6(a) of the Standby Trust Agreement, the Department hereby notifies New Ventures of the Department's intention, within fourteen (14) days from New Ventures' receipt of this Notice, to send written notification (such notification is termed a "Default Notice" in the Trust Agreement) to the Trustee of New Ventures' failure to conduct the foregoing actions required by the Final Judgment and by 310 CMR 19.051. Such notice shall, at a minimum, instruct the Trustee that the Department is securing exclusive direction and control over the transfer, use and disbursement of the security for the purpose of proceeding with the foregoing actions including, without limitation, modifying the design of the MSE berm as necessary to address all deficiencies and then constructing the MSE berm at the Landfill in accordance with that design. The notice will also direct the holder of the financial assurance mechanism to reimburse the Department for actions it or its agents has performed to conduct the foregoing actions, including, without limitation, modifying the design of the MSE berm and constructing the berm.

In addition, you are reminded that, pursuant to 310 CMR 19.051(2), 6(a) and (7), the Standby Trust Account must contain sufficient funds to pay for all closure and post-closure maintenance costs and New Ventures must continuously maintain financial assurance that is adequate to assure the Department that New Ventures is at all times financially capable of complying with the provisions of 310 CMR 19.00 governing the closure of this facility and its post-closure maintenance.

Please feel free to contact me by telephone at (978) 694-3299, if you have any questions regarding this Notice.

Sincerely,



John A. Carrigan, Chief  
Solid Waste Management Section  
Bureau of Waste Prevention

JAC/MD/md

Cc: Mayor Donna Holaday  
60 Pleasant Street  
Newburyport, MA 01950 (by email)

Robert Bracey, Director  
City of Newburyport  
Health Department  
60 Pleasant Street  
Newburyport, MA 01950 (by email)

Mary Reilly, Administrator  
City of Newburyport  
Conservation Commission  
60 Pleasant Street  
Newburyport, MA 01950 (by email)

Senator Steven A. Baddour  
State House  
Boston, Massachusetts (by email)

Representative Michael A. Costello  
State House  
Boston, Massachusetts (by email)

Michael Quatromoni  
SITEC Environmental, Inc  
769 Plain Street - Unit C  
Marshfield, MA 02050 (by email)

Michael Dingle, MassDEP/OGC-Boston (by email)

Matthew Ireland, Office of the Attorney General, Boston, MA (by email)

Eric Fahle DEP/Boston – BWP

CERTIFIED MAIL: 7009 3410 0001 0363 3109 (Thibeault)

7009 3410 0001 0363 3316 (Nysten)